

Santa Barbara City Municipal Code

Chapter 15.24

PRESERVATION OF TREES

Sections:

15.24.010	Definitions.	15.24.040	Application to Remove a Tree.
15.24.020	Prohibition.	15.24.050	Board of Park Commissioners
15.24.030	Lawful Removal of Trees Without		Action.
	Application.	15.24.060	Considerations for Removal.
15.24.035	Lawful Reduction of Trees Without	15.24.070	Findings for Removal.
	Application.	15.24.080	Appeals to City Council.

15.24.010 Definitions.

For the purpose of this Chapter, certain terms and words are hereby defined as follows:

- A. TREE. A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk rather than several stems;
- B. PALM TREE. Any tree from the Palmae plant family;
- C. SPECIMEN TREE. Any tree which has been found by the Board of Park Commissioners to be of high value because of its type and/or age and which has been designated by resolution of the City Council as a "specimen tree";
- D. HISTORIC TREE. A tree which has been found by the Board of Park Commissioners, the Historic Landmarks Commission or the City Council to be a tree of notable historic interest and has been designated by resolution of the City Council as an "historic tree";
- E. CUT DOWN OR OTHERWISE DESTROY. To cut a tree down or to prune a tree in such a way that its natural character is significantly altered or its overall size is reduced by more than one-third. (Ord. 5312, 2004; Ord. 4619, 1990; Ord. 4154, 1982; Ord. 3863, 1976; Ord 3360, 1969.)

15.24.020 Prohibition.

It is unlawful to cut down or otherwise destroy or to authorize or allow the destruction or cutting down of any tree:

- A. Situated in the minimum front yard area of any lot or situated in the area of any lot required to be landscaped pursuant to Section 28.90.050 of this Code, except as provided in Sections 15.24.030 and 15.24.035 of this chapter, without the express permission of the Board of Park Commissioners, or City Council, on appeal;
- B. That has been designated as an historic or specimen tree by the City Council as defined herein, anywhere it may occur on a lot, parcel or building site. (Ord. 5312, 2004; Ord. 4154, 1982; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.030 Lawful Removal of Trees Without Application.

Trees coming within the following exceptions may be removed lawfully without application to or permission from the Board of Park Commissioners or City Council:

- A. Trees whose main trunk is less than four inches (4") in diameter at a point twelve inches (12") above the ground or palm trees with a trunk less than three feet (3') in height;
- B. Diseased trees whose condition is a source of present danger to healthy trees in the immediate vicinity; providing a certificate attesting such condition has been filed with the Parks and Recreation Director by a member of the American Society of Consulting Arborists, an arborist certified by the International Society of Arboriculture or by an authorized employee of the City Parks and Recreation Department;
- C. Trees so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property, providing prior written notice of such condition has been given to the Parks and Recreation Director at least forty-eight (48) hours prior to the removal of the tree or shorter period if approved by the Parks and Recreation Director;
- D. Dead trees. (Ord. 5312, 2004; Ord. 4154, 1982; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.035 Lawful Reduction of Trees Without Application.

Any tree posing a potential danger to persons or property due to age, disease, storm, fire, or other injury may be lawfully pruned in such a way that the natural character of the tree is significantly altered or the overall size of the tree is reduced by more than one-third without application to or permission from the Board of Park Commissioners or City Council if:

A. A written report prepared by a member of the American Society of Consulting Arborists or an arborist certified by the International Society of Arboriculture specifying the reason(s) for the reduction and the extent of the proposed work is filed with the Parks and Recreation Director; and

B. An authorized employee of the City Parks and Recreation Department assesses the condition of the tree and approves the proposed work as comporting with sound arboricultural practices as specified in the American National Standards Institute tree pruning standards. (Ord. 5312, 2004.)

15.24.040 Application to Remove a Tree.

An application for authority to remove a tree when permission is required shall be filed with the Parks and Recreation Department on forms provided for such purpose. The application shall show clearly by diagram, plot plan or photograph, the location and identity of the tree or trees sought to be removed, the name and address of the owner and such other information as indicated on the form provided. (Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.050 Board of Park Commissioners Action.

The Board of Park Commissioners shall vote upon the application within sixty (60) days after it is filed. A majority vote of the members present shall be required to approve a tree removal. Failure of the Board of Park Commissioners to vote upon the application within sixty (60) days shall be deemed approval thereof. The Parks and Recreation Department shall notify the applicant in writing of the decision of the Board of Park Commissioners. (Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.060 Considerations for Removal.

The following considerations shall be taken into account by the Board of Park Commissioners in acting upon a tree removal request made pursuant to this chapter:

- A. Whether such tree is designated as an historic or specimen tree;
- B. The potential size of the tree in relation to the size of the lot or building site and the size of the proposed or existing improvements;
- C. The number and size of other trees which would remain upon the building site after the requested removal;
- D. The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property;
- E. Any beneficial effects upon adjacent trees to be expected from the proposed removal;
- F. Whether the tree sought to be removed was planted by or with the permission of the applicant or the applicant's co-tenant at the time such tree was planted.
- G. The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy. (Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.070 Findings for Removal.

As a prerequisite to granting a tree removal request, the Board of Park Commissioners may impose conditions and shall make one (1) or more of the following findings:

- A. That principles of good forest management will best be served by the proposed removal;
- B. That a reasonable and practical development of the property on which the tree is located requires removal of the tree or trees whose removal is sought;
- C. That the character of the immediate neighborhood with respect to forestation will not be materially affected by the proposed removal;
- D. That topography of the building site renders removal desirable;
- E. That regard for the safety of persons or property dictates the removal. (Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

15.24.080 Appeals to City Council.

An appeal of the action of the Board of Park Commissioners may be filed by the applicant or any interested person pursuant to the provisions of Section 1.30.050 of this Code. (Ord. 5312, 2004; Ord. 5136, 1999; Ord. 3863, 1976.)